

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

UPSTATE FOREVER and SAVANNAH
RIVERKEEPER,

Plaintiffs,

v.

KINDER MORGAN ENERGY PARTNERS,
L.P. and PLANTATION PIPE LINE
COMPANY, INC.

Defendants.

Civil Action No. **8:16-CV-04003-HMH**

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' COMPLAINT WITH
PREJUDICE**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and Local Rule 7.01, Defendants Kinder Morgan Energy Partners, L.P. ("KMEP") and Plantation Pipe Line Company, Inc. ("PPL") (collectively, "Defendants"), by and through the undersigned counsel, hereby move this Court to dismiss the Complaint filed by Plaintiffs Upstate Forever and Savannah Riverkeeper (collectively, "Plaintiffs"), in its entirety. The bases for this motion are set forth in Defendants' supporting brief filed together with this motion.

WHEREFORE, for the reasons set forth in the accompanying brief, Defendants respectfully request that this Court dismiss Plaintiffs' Complaint, in its entirety, for lack of subject matter jurisdiction and for failure to state a claim.

Dated: February 17, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of February, 2017, I electronically filed **DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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